

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

LOL Finance Company,

Plaintiff,

Case No. 09-CV-3224

v.

**TEMPORARY RESTRAINING
ORDER (ENTERED BY
CONSENT)**

Robert P. Johnson and Keri J. Maloley,
individually and doing business as
Paul Johnson & Sons Cattle Company,
John Doe and ABC Company,

Defendants.

The Court conducted a hearing on November 4, 2009, on Plaintiff's Motion for Temporary Restraining Order. Plaintiff appeared by counsel of record and Defendants Robert P. Johnson and Keri J. Maloley appeared by counsel of record.

Mr. Johnson and Ms. Maloley represented to the Court that they and their company, Paul Johnson & Sons Cattle Co., Inc. ("PJSCC"), are currently in possession of approximately 500 to 550 head of cattle placed with PJSCC by Maverick Feeders, Inc. and/or Shon D. Sawyer (hereinafter referred to as "the Cattle"). Mr. Johnson and Ms. Maloley further represented to the Court that approximately 350 head of the Cattle were in the process of being shipped to Tyson Fresh Meats, Inc. in Lexington, Nebraska.

Based upon foregoing circumstances, the Court asked counsel to endeavor to reach an agreement on a Temporary Restraining Order. The Court has been advised by counsel that this Order is acceptable to Plaintiff, Mr. Johnson, Ms. Maloley, PJSCC and PJSCC's lender, First National Bank of Omaha. Based upon the agreement reached by the foregoing parties and non-parties,

IT IS HEREBY ORDERED:

1. Mr. Johnson, Ms. Maloley, PJSCC and parties associated with them in business shall proceed to sell approximately 350 head of the Cattle to Tyson Fresh Meats, Inc., as scheduled, and deposit the entire amount of proceeds from such sale into an escrow account at the First National Bank of Columbus approved by the parties, PJSCC and First National Bank of Omaha. The parties shall provide the Court with the account number of the approved escrow account within seven days from the date of this Temporary Restraining Order.

2. Mr. Johnson, Ms. Maloley and PJSCC shall continue to feed, care and finish the remaining head of the Cattle until they are ready to be marketed. Mr. Johnson, Ms. Maloley and PJSCC shall then sell the remaining head of the Cattle and deposit the entire amount of the proceeds from such sale into the approved escrow account.

3. The money deposited into the approved escrow account pursuant to this Temporary Restraining Order shall remain deposited in such account until further Order of the Court. The rights and claims of the parties and non-parties to the proceeds deposited into the approved escrow account shall be the same as their rights and claims to the Cattle before slaughter; those rights and claims shall not be affected by sale, slaughter, receipt of proceeds or deposit of funds into the approved escrow account.

4. With the consent of the parties, the Court shall not conduct a separate a hearing pursuant to *Neb. Rev. Stat.* §§ 25-1093.02 and 25-1093.04.

5. The motion for a temporary restraining order (filing 8) is granted as provided herein but otherwise denied.

November 5, 2009.

Richard G. Kopf
U.S. District Court Judge

Consent to Order:

/s/ Jonathan C. Miesen
Plaintiff's Counsel

/s/David A Domina
Counsel for Defendants Johnson & Maloley and
Non-Party Paul Johnson & Sons Cattle Co.

/s/ Jan M. Woolley
Counsel for Non-Party First National Bank of Omaha